

JASS LAW

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEITH OBRIAN ROBINSON,

Plaintiff,

vs.

CITY OF HEMET; C. MAKER,
individually and as Police Officer #10741
for the Hemet Police Department; B.
MACARTHUR, individually and as Police
Officer #10643 for the Hemet Police
Department; and DOES 1-10, inclusive;

Defendants.

Case No.: 5:23-cv-00264

COMPLAINT FOR DAMAGES

Violation of Civil Rights
(42 U.S.C. § 1983)
Monell Claim
(42 U.S.C. § 1983)
Assault and Battery
Negligence
Violation of State Civil Rights
(Cal. Civ. Code §§ 52, 52.1)
Statutory Liability
(Gov't Code § 815.2)

DEMAND FOR JURY TRIAL

(Amount demanded exceeds
\$25,000)

COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, KEITH OBRIAN ROBINSON, and alleges as follows:

PARTIES

1. Plaintiff KEITH OBRIAN ROBINSON, at all times herein mentioned, was a resident of the County of Riverside, State of California.

2. Defendant, CITY OF HEMET (“the City”), is an incorporated municipality organized and existing under the laws of the State of California and wholly located within the State of California. At all times herein mentioned, Defendant CITY possessed the power and authority to adopt policies and prescribe rules, regulations and practices affecting the operation of the Hemet Police, and particularly said Department’s Patrol, Internal Investigations, Training and Personnel Divisions and other operations and subdivisions presently unidentified to Plaintiff, and their tactics, methods, practices, customs, and usages related to their dealings with the use and deployment of dangerous weapons, the use of force, the powers of arrest by its rank and file, internal investigations, personnel supervision and meaningful records review and maintenance.

3. The Hemet Police Department (“the Department”) is an operating department of the CITY.

4. Defendant C. MAKER (“MAKER”) is a Police Officer with the Hemet Police Department. He maintained this position at all times relevant to these claims. In doing the things alleged herein, MAKER acted under color of state law, and within the course and scope of his employment.

5. Defendant B. MACARTHUR (“MACARTHUR”) is a Police Officer with the Hemet Police Department. He maintained this position at all times relevant to these claims. In doing the things alleged herein, MACARTHUR acted under color of state law, and within the course and scope of his employment.

1
2 6. Defendant DOES 1 through 10 are not known or identified at this
3 time. On information and belief, Plaintiff alleges that each Doe is in some manner
4 responsible for the wrongs alleged herein, and that each such Defendant advised,
5 encouraged, participated in, ratified, directed, or conspired to do, the wrongful acts
6 alleged herein. When the true names and capacities of said Defendants become
7 known, Plaintiff will seek relief to amend this complaint to show their true
8 identities in place of their fictitious names as DOES 1 through 10. Defendants, and
9 each of them, were the agents, employees and servants of every other Defendant.
10 Defendants acted in the course and scope of said agency, service and employment
11 at all relevant times.

12 7. At all times herein mentioned, Defendants MAKER, MACARTHUR,
13 and DOES 1-10, inclusive, and each of them, were employees of the Hemet Police
14 Department.

15 8. At all times relevant, each individual Defendant was acting within the
16 course and scope of their employment as Police Officers of the CITY, and under
17 the color of state law, and as the employee, agent and representative of each and
18 every other Defendant.

19 9. Plaintiff is informed and believes and thereon alleges that each of the
20 Defendants designated as a DOE is intentionally and negligently responsible in
21 some manner for the events and happenings herein referred to, and thereby
22 proximately caused injuries and damages as herein alleged. The true names and
23 capacities of DOES 1 through 10, inclusive, and each of them, are not now known
24 to Plaintiff who therefore sues said Defendants by such fictitious names, and
25 Plaintiff will seek leave to amend this Complaint to show their true names and
26 capacities when the same have been ascertained.

27 10. Wherever appearing in this Complaint, each and every reference to
28 Defendants, or any of them, is intended to include, and shall be deemed to include,

1 all fictitiously named Defendants. Wherever reference is made in this Complaint to
 2 any act by a Defendant or Defendants, such allegation and reference shall also be
 3 deemed to mean the acts and failures to act of each Defendant acting individually,
 4 jointly, and severally. Wherever reference is made in this Complaint to individuals
 5 who are not named as a Defendant in this Complaint, but were the agents, servants,
 6 employees, and/or supervisors of Defendants, such individuals at all relevant times
 7 acted on behalf of Defendants within the scope of employment.

8 11. Plaintiff is informed and believes, and thereon alleges, that at all times
 9 relevant to the Complaint, each Defendant, including Defendants designated as
 10 DOES 1-10, inclusive, was completely dominated and controlled by his/her/its co-
 11 Defendants and was the alter ego of the other as to all events relevant to the
 12 Complaint.

13 12. Defendants, and each of them, did the acts and omissions hereinafter
 14 alleged in bad faith and with knowledge that their conduct violated well
 15 established and settled law.

16 **FACTUAL ALLEGATIONS**

17 13. On or about February 22, 2021, Plaintiff was at home in his
 18 apartment, where he lives with his mother, in the City of Hemet.

19 14. Plaintiff's mother, Tonya Nuckols-Williams was the victim of
 20 domestic violence where she was shoved to the ground. Plaintiff attempted to help
 21 his mother off the ground but was unable to. The paramedics responded and
 22 assisted Plaintiff's mother off the ground and onto a chair where they examined
 23 her. After approximately 10 minutes the Paramedics left.

24 15. Plaintiff and his mother then sat on the couch and had dinner. After
 25 dinner Plaintiff's mother went to shower and Plaintiff took the trash out of the
 26 apartment.
 27
 28

1 16. After Plaintiff took the trash out a neighbor asked Plaintiff to open the
2 gate to the front of the apartment complex for him.

3 17. As Plaintiff was opening the door to the front gate Defendant
4 MAKER arrived and asked Plaintiff about the apartment complex address and
5 apartment numbers. Plaintiff asked Defendant MAKER who he was looking for.

6 18. Defendant MAKER then asked for Plaintiff's identification. Plaintiff
7 did not have his identification on him, but began to walk towards his apartment to
8 retrieve it for Defendant MAKER.

9 19. Defendant MAKER then went to grab Plaintiff and Plaintiff became
10 fearful that Defendant MAKER thought Plaintiff was someone else and that
11 Defendant MAKER was arresting the wrong person. Plaintiff tried to move
12 towards his apartment to show Defendant MAKER his identification.

13 20. Defendant MAKER began to attempt to grab onto and grapple
14 Plaintiff. Plaintiff began to fear for his own safety and tried to flee from his
15 attacker.

16 21. Defendant MAKER began punching Plaintiff in the face with a closed
17 fist. Defendant MAKER ordered Plaintiff to get on the ground, and Plaintiff
18 complied by getting onto his knees. Defendant MAKER then got behind Plaintiff
19 and shoved Plaintiff's shoulder causing Plaintiff to fall to the ground face first with
20 great force and began striking Plaintiff again with a closed fist.

21 22. At about this same time, one of Plaintiff's neighbors went to his
22 apartment to let Plaintiff's mother know that Plaintiff was being attacked by a
23 police officer.

24 23. Plaintiff's mother exited her apartment and found her son (Plaintiff)
25 laying in a fetal position while being punched by Defendant MAKER. Ms.
26 Nuckols-Williams began to yell to the officer that Plaintiff is a disabled adult, and
27 pleaded with Defendant MAKER to stop.

1 24. Plaintiff was able to get to his feet, and again attempted to flee from
2 his attacker. Plaintiff ran towards his mother and positioned himself behind her.
3 Defendant MAKER pointed his taser at Plaintiff's mother's chest and told her,
4 "Don't fucking move!"

5 25. At this point neighbors and bystanders had observed the interaction
6 between Defendant MAKER and Plaintiff, and began to yell at Defendant
7 MAKER that Plaintiff is disabled, and that he is arresting the wrong guy.

8 26. Plaintiff began to run away and Defendant MAKER fired his taser at
9 Plaintiff striking him in the back. Plaintiff fell to the ground.

10 27. Defendant MACARTHUR arrived and joined Defendant MAKER in
11 attacking Plaintiff. Defendant MACARTHUR used his knee and fists to strike
12 Plaintiff in the torso and face, while Defendant MAKER continued to strike
13 Plaintiff on the face and torso with closed fists. During which bystanders continue
14 to yell that the officers were using too much force, that Plaintiff was disabled, and
15 that they have the wrong guy.

16 28. After being struck multiple times, Plaintiff was handcuffed and
17 arrested for violating Penal Code section 148 – resisting, delaying, or obstructing a
18 police officer. Plaintiff was transported to Hemet Valley Hospital then to Hemet
19 Police Department Jail and then to Riverside County Jail.

20 29. Plaintiff was not convicted of the charges made against him.

21 30. Plaintiff was assaulted and battered by Defendants while unarmed and
22 attempting to flee from Defendants. At no time during the during Defendants
23 attack on Plaintiff, did Plaintiff make any threats against Defendants, nor did he
24 make any threatening verbal gestures or movements towards Defendants.
25 Defendants deployment of force against Plaintiff was unnecessary, unreasonable,
26 and excessive without justification.

27 31. Due to Defendants atrocious actions, Plaintiff has suffered extensive
28 physical and emotional injuries, including but not limited to, injuries to his back,

1 torso, chest, face, head, anxiety, paranoia, post-traumatic stress disorder,
2 nightmares, fear, inconvenience, pain and suffering. Plaintiff's injuries continue,
3 and he requires ongoing medical treatment.

4 32. At the time he was assaulted and battered, and suffered unreasonable,
5 unnecessary, and excessive force, Plaintiff was unarmed, defenseless, and made no
6 furtive movements or gestures whatsoever and was in a completely non-
7 threatening position.

8 33. The Defendants' brutal treatment of Plaintiff caused him to fear for his
9 life and caused Plaintiff serious physical injury.

10 34. Defendants, and each of them, acted under color of state law as law
11 enforcement officers of the Hemet Police Department.

12 35. The Defendants' actions were reckless and callously indifferent to the
13 Plaintiff's federal and state protected rights.

14 36. The use of force against the Plaintiff was the result of the policy,
15 practice and custom of the Hemet Police Department to inadequately supervise and
16 discipline law enforcement officers who use excessive force, including deadly
17 force.

18 37. The inadequate supervision and discipline of Police Officers by the
19 City of Hemet has led to the unnecessary and illegal use of excessive force,
20 including deadly force.

21 38. The policy, practice and custom of the City of Hemet is that when
22 officers use excessive force, other officers do not intervene to prevent the use of
23 the illegal force, do not arrest the officer engaging in the illegal activity, and do not
24 report the illegal activity.

25 39. The policy, practice and custom of the City of Hemet with respect to
26 allegations of excessive force reported by citizens, is to conduct a minimal
27 investigation designed to exonerate the officers involved rather than discover the
28 true facts of the incident.

1 40. As a result of this code of silence adhered to by City of Hemet and the
2 inadequate investigation of allegations of the use of excessive force, officers
3 reasonably conclude that their use of excessive force will not result in discipline,
4 termination, or criminal prosecution against them.

5 41. The above policies and practices have resulted in a culture of violence
6 in which the use of excessive force is an accepted and customary part of police
7 work in the City of Hemet.

8 **COMPLIANCE WITH GOVERNMENT TORT CLAIMS ACT**

9 42. Plaintiff complied with the requirements of *Government Code* section
10 905 by presenting a claim to the CITY within six months of the date of the
11 incident. The CITY never rejected Plaintiff's claim, subjecting Plaintiff to the two
12 years statute of limitations pursuant to *Code of Civil Procedure* sections 335.1.
13 *Gov't Code* § 945.6(a)(2); *Paniagua v. Orange County Fire Auth.* (2007) 149
14 Cal.App.4th 83, 87-88; *Ocean Services Corp. v. Ventura Port Dist.* (1993) 14
15 Cal.App.4th 1762, 1778.

16 **INCORPORATION BY REFERENCE**

17 43. Plaintiff refers to and re-pleads each and every allegation contained in
18 paragraphs 1 through 42, inclusive, of this Complaint, and by this reference
19 incorporates the same into each cause of action herein.

20 **FIRST CAUSE OF ACTION**

21 **(VIOLATION OF CIVIL RIGHTS – 42 U.S.C. § 1983 –**

22 **Unreasonable Seizure, Excessive and Deadly Force)**

23 **Against Defendants MAKER, MACARTHUR, AND DOES 1-10, inclusive.**

24 44. Commencing at or about the aforementioned date and place, without
25 cause or justification, and acting under color of law, Defendants MAKER,
26 MACARTHUR, and DOES 1 through 10, and each of them, intentionally and
27 maliciously deprived Plaintiff of his rights secured to him by the Fourth and
28 Fourteenth Amendments to the United States Constitution in that Defendants and

COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

1 each of them, subjected Plaintiff to unreasonable, unnecessary and excessive force
2 during his arrest even though no strong government interest compelled the need for
3 the police officers to use force, especially the use of deadly force, including but not
4 limited to doing the following:

5 a. Defendants used deadly force even though Plaintiff had not
6 committed a serious crime, and even though he did not pose a threat of death
7 or serious physical injury to the officers or to others;

8 b. Defendants MAKER and MACARTHUR violently and
9 viciously beat Plaintiff while Plaintiff was unarmed, had nothing in his
10 hands, and was running away from Defendants posing no threat to
11 Defendants or anyone else.

12 c. The force used was deadly because repeatedly punching a
13 person in the face a person is reasonably likely to cause serious bodily injury
14 and/or death.

15 e. Plaintiff did not and could not have posed a threat to
16 Defendants because he was unarmed, unthreatening, and running away.
17 Further, when Plaintiff was struck he was in a position of submission, and
18 had no weapon in his possession or on his person justifying the use of force
19 against him.

20 45. At all times during the events described herein, Defendants MAKER,
21 MACARTHUR, and DOES 1 through 10, and each of them assisted each other in
22 performing the various action described and lent their physical presence and
23 support and authority of their office to each other during the event and engaged in
24 a conspiracy to cover up the excessive use of force, by among other things,
25 claiming that Plaintiff was resisting them.

26 46. The unreasonable use of deadly force by Defendants MAKER,
27 MACARTHUR, and DOES 1 through 10, and each of them, deprived Plaintiff of
28 his right to be secure in his person against unreasonable searches and seizures as

1 guaranteed to Plaintiff under the Fourth Amendment to the United States
2 Constitution and applied to state actors by the Fourteenth Amendment.

3 47. As a legal result of Defendants' acts and omissions as described,
4 Plaintiff suffered extreme pain and suffering. Plaintiff suffered serious physical
5 injuries and incurred medical bills for health care services necessary to treat those
6 injuries. Plaintiff continues to experience pain and suffering from the injuries he
7 sustained at the hands of Defendants.

8 48. The aforementioned acts and omissions of Defendants were
9 committed by each of them knowingly, willfully and maliciously, with the intent to
10 harm, injure, vex, harass, and oppress Plaintiff, with a conscious disregard of
11 Plaintiff's constitutional rights and conscious and deliberate indifference to the risk
12 of death to Plaintiff, and by reason thereof, Plaintiff seeks punitive and exemplary
13 damages from Defendants, and each of them, (except Defendant CITY) in an
14 amount as proved.

15 **SECOND CAUSE OF ACTION**

16 **(UNLAWFUL CUSTOM AND PRACTICE UNDER 42 U.S.C. § 1983)**

17 **Against Defendants CITY, and DOES 1 through 10, inclusive.**

18 49. Plaintiff is informed and believes, and based thereon alleges, that on
19 February 22, 2021, and for some time prior thereto, Defendants CITY, and DOES
20 1 through 10, inclusive, with deliberate indifference towards the civil rights of
21 persons residing in or passing through the City of Hemet, knowingly and willfully
22 did maintain, enforce, and apply a custom, practice, policy and usage tending to
23 encourage, promote, sanction, tolerate and ratify the abuse of authority, and the use
24 of unreasonable, unnecessary and excessive force by law enforcement personnel
25 they employed in the Hemet Police Department.

26 50. At all times herein mentioned, Defendants DOES 1 through 10, and
27 each of them, were employees acting under Defendant CITY's direction and
28 control, who knowingly and intentionally promulgated, maintained, applied,

1 enforced and suffered the continuation of policies, customs, practices and usages in
 2 violation of the Fourth and Fourteenth Amendments to the United States
 3 Constitution, which customs, policies, practices and usages at all times herein
 4 mentioned required and encouraged the employment, deployment and retention of
 5 persons as peace officers who have demonstrated their brutality, dishonesty, and
 6 numerous other serious abuses of their powers as peace officers in the employment
 7 of the CITY.

8 51. Defendants CITY, and DOES 1 through 10, inclusive, have
 9 demonstrated their deliberate indifference to widespread law enforcement abuses
 10 by failing and refusing to impartially investigate personnel complaints, failing to
 11 discipline or prosecute peace officers who commit acts of felonious dishonesty and
 12 crimes of violence.

13 52. The unconstitutional policies, practices or customs promulgated,
 14 sanctioned or tolerated by Defendants CITY, and DOES 1 through 10 include, but
 15 are not limited to:

16 a. Hiring and retaining law enforcement personnel, including
 17 Defendants MAKER, MACARTHUR, and DOES 1 through 10, who lack
 18 sufficient mental, emotional and intellectual character, temperament,
 19 capacity or disposition to exercise sound judgment when exercising their
 20 authority as peace officers;

21 b. Defendants CITY, and DOES 1 through 10 had knowledge,
 22 prior to and since this incident, of repeated allegations against its police
 23 officers of abuse and assaultive misconduct toward detainees and arrestees.
 24 Specifically, CITY, and DOES 1 through 10 knew Defendants had in the
 25 past committed acts of law enforcement abuse, dishonesty and prevarication;

26 c. Despite the CITY, and DOES 1 through 10's knowledge of
 27 abuse and misconduct, it failed or refused to enforce established
 28 administrative procedures, to ensure the safety of detainees and arrestees;

1 d. Defendants CITY, and DOES 1 through 10 failed to adequately
2 train and educate police officers in the use of reasonable and proper force
3 and failed to enforce the DEPARTMENT's written regulations with respect
4 to uses of force;

5 e. Defendants CITY, and DOES 1 through 10, encouraged,
6 condoned, failed to enforce the DEPARTMENT's written regulations with
7 respect to the laws and procedures of arrest, and refused to re-train police
8 officers who arrested citizens without probable cause and who used arrests
9 as punishments for perceived "contempt of cop" and for citizens' exercise of
10 their First Amendment rights;

11 f. Defendants CITY, and DOES 1 through 10 failed to adequately
12 monitor and supervise the actions of officers under their control and
13 guidance;

14 g. Defendants CITY, and DOES 1 through 10 refused to
15 competently and impartially investigate allegations of abuse and misconduct
16 alleged to have been committed by Hemet Police Department police
17 officers;

18 h. Defendants CITY, and DOES 1 through 10 refused to
19 adequately discipline individual police officers and employees found to have
20 committed similar acts of abuse and misconduct;

21 i. Defendants CITY, and DOES 1 through 10 rewarded police
22 officers who displayed aggressive and abusive behavior towards detainees
23 and arrestees;

24 j. Defendants CITY, and DOES 1 through 10 reprimanded,
25 threatened, intimidated, demoted and fired police officers and employees
26 who reported acts of abuse by other police officers;

27 k. Defendants CITY, and DOES 1 through 10 condoned and
28 encouraged a conspiracy of silence among their employees for the purpose

1 of concealing and furthering wrongful and illegal conduct by their
2 employees;

3 1. Defendants CITY, and DOES 1 through 10 fostered and
4 encouraged an atmosphere of lawlessness, abuse and unconstitutional
5 misconduct, as to encourage their police officers to believe that improper
6 arrest of residents of the City of Hemet, or persons present therein, the
7 excessive and improper use of force, the submission of false police reports,
8 and the commission of perjury was permissible and would be tolerated, and
9 to believe that the unlawful acts of falsification of evidence and perjury
10 would be overlooked without discipline or other official ramifications.

11 53. Said policies, procedures, customs and practices called for the CITY
12 and its Police Department not to discipline, prosecute, or objectively and /or
13 independently investigate or in any way deal with, or respond to, known incidents
14 and complaints of excessive and improper use of force, false arrest, falsification of
15 evidence, the preparation of false police reports to justify, cover up and conceal
16 wrongful conduct by police officers of the Department. Defendants demonstrated
17 their deliberate indifference to the unconstitutional conduct by their failure to
18 adequately train and more closely supervise or re-train police officers and/or
19 discipline or recommend prosecution of those police officers who in fact
20 improperly used such force, falsified evidence, submitted false and misleading
21 police reports, and/or committed perjury.

22 54. Said policies, procedures, customs and practices also called for and
23 led to the refusal by Defendants, and each of them, to investigate complaints of
24 previous incidents of excessive and improper use of force, the filing of false police
25 reports to conceal such misconduct, the falsification of evidence and perjury; and
26 instead, officially claim that such incidents were justified and proper.

27 55. Said policies, procedures, customs and practices of Defendants, and
28 each of them, evidenced a deliberate indifference to the violations of the

1 constitutional rights of Plaintiff. This indifference was manifested by the failure to
2 change, correct, revoke or rescind said policies, procedures, customs and practices
3 in light of prior knowledge by Defendants, and each of them, and their subordinate
4 policymakers, of indistinguishably similar incidents of excessive and improper use
5 of force, falsification of evidence, submission of false police reports and perjury.

6 56. Defendants, and each of them, demonstrated their deliberate
7 indifference to the civil rights of minority groups and other victims of the Hemet
8 Police Department's unlawful arrest, falsified evidence, false and misleading
9 police reports and false and perjurious testimony by ignoring the history and
10 pattern of prior civil lawsuits alleging civil rights violations arising from such
11 misconduct and the related payment of damages to such individual.

12 57. Defendants, and each of them, demonstrated their deliberate
13 indifference by an absence of or by maintenance of an inadequate system of use of
14 force tracking, and maintenance of an inadequate system of officer discipline and
15 independent and objective investigation by the CITY and its Police Department
16 which failed to identify and investigate instances of false and unlawful arrests,
17 falsification of evidence, submission of false police reports and perjury.

18 58. Other system deficiencies which indicated and continue to indicate, a
19 deliberate indifference to civil rights violations by police officers of the Hemet
20 Police Department include:

21 a. Preparation of investigative reports designed to vindicate and/or
22 justify excessive and improper use of force;

23 b. Preparation of investigative reports which uncritically rely
24 solely on the word of Santa Monica police officers involved in unlawful
25 arrests or improper use of force which systematically fail to credit testimony
26 by non-officer witnesses;

1 c. Preparation of investigative reports which omit factual
2 information any physical evidence which contradicts the accounts of the
3 police officers involved;

4 d. Failure to maintain centralized department-wide systems for the
5 tracking and monitoring of tort claims and lawsuits alleging false arrests,
6 excessive and improper use of force, planting of evidence, perjury, abuse of
7 authority, and other similar misconduct by individual police officers so as to
8 identify those police officers who engage in a pattern of abuse of law
9 enforcement authority and law enforcement misconduct.

10 59. Defendants, and each of them, also maintained a system of grossly
11 inadequate training pertaining to lawful arrests, reasonable use of force, law
12 enforcement ethics, the law pertaining to searches and seizures, testifying in trial
13 and perjury, the collection of evidence, and the preparation of police reports.

14 60. Defendants, and each of them, demonstrated their deliberate
15 indifference to the victims of the Hemet Police Department's unlawful arrests,
16 excessive and improper uses of force, and perjury by failing to implement an
17 officer discipline system which would conduct meaningful and independent
18 investigations of citizen complaints of excessive force, falsified evidence, evidence
19 tampering, authoring and filing of false and misleading police reports, and the
20 presentation of false testimony at trial.

21 61. The foregoing acts, omissions, and systematic deficiencies are policies
22 and customs of Defendants, and each of them, which caused, permitted and/or
23 allowed, and ratified under official sanction Defendants MAKER, MACARTHUR,
24 and DOES 1 through 10, inclusive, to believe that excessive and improper uses of
25 force, evidence falsification, false arrests and the filing of false and misleading
26 police reports, and the commission of perjury would not be objectively, thoroughly
27 and/or properly investigated, all with the foreseeable result that defendants' police
28 officers would improperly use force on arrestees, falsify evidence, abuse and

1 improperly punish post-arrest detainees, submit false and misleading police
2 reports, and commit perjury, and thereby violate the civil rights of the citizens of
3 this State with whom said police officers would come into contact.

4 62. By reason of the aforesaid policies, customs, practices and usages,
5 Plaintiff was deprived of his rights under the Fourth and Fourteenth Amendments
6 to the United States Constitution.

7 63. As a legal result of Defendants' acts and omissions as described,
8 Plaintiff suffered extreme pain and suffering. Plaintiff suffered serious physical
9 injuries and incurred medical bills for health care services necessary to treat those
10 injuries. Plaintiff continues to experience pain and suffering from the injuries he
11 sustained at the hands of Defendants.

12 64. By reason of the aforementioned acts and omissions of Defendants,
13 and each of them, Plaintiff suffered severe mental anguish, emotional distress, and
14 financial losses, all to Plaintiff's damage in a sum according to proof.

15 **THIRD CAUSE OF ACTION**

16 **(ASSAULT AND BATTERY)**

17 **Against All Defendants.**

18 65. At or about the dates, time and places alleged herein, Defendants,
19 without provocation, warrant, necessity, or legal justification, assaulted and
20 battered Plaintiff unarmed, with empty hands, and without threatening them in any
21 way, and did subject Plaintiff to verbal threats and unnecessary, unreasonable and
22 excessive force and violence, thereby causing Plaintiff's injuries as herein
23 described.

24 66. Plaintiff is informed and believes, and upon such information and
25 belief alleges, that defendants, CITY, MAKER, MACARTHUR, and DOES 1
26 through 10, and each of them, are responsible for implementing, maintaining,
27 sanctioning, ratifying and/or condoning a policy, custom, or practice under which
28 the individual Defendants committed the aforementioned illegal and wrongful acts.

1 67. Defendants CITY, and DOES 1 through 10, and each of them, are
2 vicariously liable for the injuries and damages to Plaintiff because they knew or
3 should have known of the customs, practices, policies and acts of the individual
4 Defendant police officers who caused Plaintiff's injuries, and authorized and
5 acquiesced in such customs, practices and policies and the commission of such
6 acts.

7 68. As a legal result of Defendants' acts and omissions as heretofore
8 described, Plaintiff suffered serious injuries and incurred medical bills for health
9 care services necessary to treat those injuries.

10 69. Defendants, and each of them, committed the aforementioned acts and
11 omissions knowingly, willfully and maliciously, and with the intent to harm,
12 injure, vex, harass and oppress Plaintiff with conscious disregard to Plaintiff's
13 known rights and deliberate indifference to the risk of injury to Plaintiff. By reason
14 thereof, Plaintiff seeks punitive and exemplary damages from Defendants
15 individually, (except the CITY) in an amount according to proof.

16 70. Except as provided by statute, a public entity is liable for injury
17 caused by his act or omission to act to the same extent as a private person. *Gov't*
18 *Code* § 820.

19 71. The CITY is liable for injuries proximately caused by acts or
20 omissions by its employees while acting within the course and scope of their
21 employment if the act or omission would have given rise to a cause of action
22 against that employee or his personal representative. *Gov't Code* § 815.2.

23 72. On or about the dates, time and places alleged herein, Defendants
24 MAKER, MACARTHUR, and DOES 1 through 10, inclusive, while acting in the
25 course and scope of their employment as Hemet Police Officers or other
26 government officials, and under color of state law, did commit the acts and
27 omissions described above.

1 73. Defendants' acts and omissions as heretofore described, proximately
2 caused Plaintiff's serious injuries.

3 74. Accordingly, the CITY is liable to Plaintiff, for his injuries, for each
4 and every act and omission listed above that proximately caused said injuries. By
5 reason thereof, Plaintiff seeks special and general damages from Defendant CITY,
6 in an amount according to proof.

7 **FOURTH CAUSE OF ACTION**

8 **(NEGLIGENCE)**

9 **Against All Defendants**

10 75. On or about the dates, time and places alleged herein, Defendants
11 were charged with the duty to protect and serve the citizens of Hemet, including
12 ensuring their safety. Plaintiff is informed and believes that Defendants had
13 received training as police officers to use good judgment and use sound and
14 reasonable police practices toward that end. Defendants also owed the public,
15 including Plaintiff, the duty to not cause harm.

16 76. Defendants, and each of them, breached these duties by injuring
17 Plaintiff, and in doing so they negligently, carelessly and/or recklessly failed to
18 employ reason and restraint, effective communication techniques, proper control
19 holds, and other similar methods inherent in their employment and training that
20 were available to them, to ensure Plaintiff's safety. To wit, Defendants MAKER,
21 MACARTHUR, and DOES 1 through 10 used improper tactics against Plaintiff
22 and escalated the need to use force, and increased the use of force under situations
23 likely to exacerbate the situation instead of controlling it and protecting Plaintiff's
24 safety.

25 77. In committing the acts and omissions heretofore described Defendants
26 MAKER, MACARTHUR, and DOES 1 through 10 were negligent in their use of
27 force against Plaintiff, including the grabbing, tackling, fist strikes, knee strikes,
28 and taser deployment.

1 78. Defendant CITY engaged in negligent hiring practices that allowed
2 Defendants MAKER, MACARTHUR, and DOES 1 through 10 to be hired as
3 police officers when they were unfit for such positions. Defendant CITY was
4 further negligent in failing to properly supervise MAKER, MACARTHUR, and
5 DOES 1 through 10 and prevent them from negligently assaulting and battering
6 Plaintiff.

7 79. As a legal result of Defendants' acts and omissions as heretofore
8 described, Plaintiff was injured.

9 80. As a legal result of Defendants' acts and omissions as heretofore
10 described, Plaintiff suffered serious injuries and incurred medical bills for health
11 care services necessary to treat those injuries.

12 81. Defendants, and each of them, committed the aforementioned acts and
13 omissions knowingly, willfully and maliciously, and with the intent to harm,
14 injure, vex, harass and oppress Plaintiff with conscious disregard to Plaintiff's
15 known rights and deliberate indifference to the risk of injury to Plaintiff. By reason
16 thereof, Plaintiff seeks punitive and exemplary damages from Defendants
17 individually, (except the CITY) in an amount according to proof.

18 82. Except as provided by statute, a public entity is liable for injury
19 caused by his act or omission to act to the same extent as a private person. *Gov't*
20 *Code* § 820.

21 83. The CITY is liable for injuries proximately caused by acts or
22 omissions by its employees while acting within the course and scope of their
23 employment if the act or omission would have given rise to a cause of action
24 against that employee or his personal representative. *Gov't Code* § 815.2.

25 84. On or about the dates, time and places alleged herein, Defendants
26 MAKER, MACARTHUR, and DOES 1 through 10, inclusive, while acting in the
27 course and scope of their employment as Hemet Police Officers or other
28

1 government officials, and under color of state law, did commit the acts and
2 omissions described above.

3 85. Defendants' acts and omissions as heretofore described, proximately
4 caused Plaintiff's serious injuries.

5 86. Accordingly, the CITY is liable to Plaintiff, for his injuries, for each
6 and every act and omission listed above that proximately caused said injuries. By
7 reason thereof, Plaintiff seeks special and general damages from Defendant CITY,
8 in an amount according to proof.

9 **FIFTH CAUSE OF ACTION**

10 **(VIOLATION OF TOM BANE CIVIL RIGHTS ACT**

11 **[California Civil Code § 52, 52.1])**

12 **Against All Defendants**

13 87. On or about the dates, time and places alleged herein, Defendant
14 police officers, while acting in the course and scope of their employment as Hemet
15 officers, and under color of state law, did deprive Plaintiff of his liberty and rights
16 secured to him by the Fourth and Fourteenth Amendments of the United States
17 Constitution, by Article 1, §13 of the California Constitution and Civil Code § 52
18 and 52.1, to be free from violence and intimidation, in that on or about said date,
19 time and places said Defendants knowingly and willfully, and without warrant or
20 legal justification and for the purpose of harassing, intimidating, humiliating and
21 inflicting injury, pain and suffering upon Plaintiff, said defendants did assault,
22 batter, and beat Plaintiff on his head, neck, face, shoulder, and body, subjecting
23 Plaintiff to threats of violence and unnecessary, unreasonable and excessive force,
24 as said Defendants at all material times knew or reasonably should have known,
25 were all without provocation, warrant, necessity or legal justification, thereby
26 causing serious injuries to Plaintiff.

1 88. As a legal result of Defendants' acts and omissions as heretofore
2 described, Plaintiff suffered serious injuries and incurred medical bills for health
3 care services necessary to treat those injuries.

4 89. The aforementioned acts and omissions of Defendants were
5 committed by each of them knowingly, willfully and maliciously, with the intent to
6 harm, injure, vex, harass and oppress Plaintiff with a conscious disregard of
7 Plaintiff's constitutional rights and by reason thereof, Plaintiff seeks punitive
8 damages from Defendants, and each of them, (except Defendant CITY) in an
9 amount as proved.

10 11 **SIXTH CAUSE OF ACTION**

12 **(PUBLIC ENTITY LIABILITY – GOV'T CODE §§ 820, 815.2)**

13 **Against Defendant CITY.**

14 90. Except as provided by statute, a public entity is liable for injury
15 caused by his act or omission to act to the same extent as a private person. *Gov't*
16 *Code* § 820.

17 91. The CITY is liable for injuries proximately caused by acts or
18 omissions by its employees while acting within the course and scope of their
19 employment if the act or omission would have given rise to a cause of action
20 against that employee of his personal representative. *Gov't Code* § 815.2.

21 92. On or about the dates, time and places alleged herein, Defendants
22 MAKER, MACARTHUR, and DOES 1 through 10, inclusive, while acting in the
23 course and scope of their employment as Hemet Police Officers or other
24 government officials, and under color of state law, did commit the acts and
25 omissions described above.

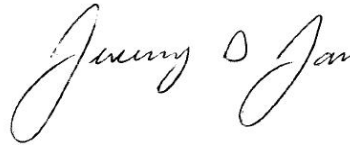
26 93. Defendants' acts and omissions as heretofore described, proximately
27 caused Plaintiff's serious injuries.

DEMAND FOR JURY TRIAL

Plaintiff KEITH OBRIAN ROBINSON hereby demands a trial by jury.

DATED: February 17, 2023

JASS LAW



By: _____

Jeremy D. Jass

Attorneys for Plaintiff

KEITH OBRIAN ROBINSON